November 10, 2004

Colonel Richard W. Hobernicht
District Commander
Corps of Engineers, Portland District
P.O. Box 2946
Portland, OR 97208-2946

Dear Colonel Hobernicht,

SUBJECT: **Section 401 Water Quality Certification for the Repair of the South Jetty at the Mouth of the Columbia River.**

The Department of Environmental Quality (DEQ) has reviewed the U.S. Army Corps of Engineers (USACE, Corps) request for section 401 Water Quality Certification contained in Public Notice # CENWP-PM-E-04-05, an Environmental Assessment (EA) for the *Mouth of the Columbia River Rehabilitation/Repair of the North and South Jetties, Clatsop County, Oregon and Pacific County Washington.* The Corps proposes to repair and rehabilitate portions of the North and South Jetties at the Mouth of the Columbia River (MCR).

The North and South Jetties at the MCR were constructed in the late 1800s to early 1900s to protect shipping interests in the federal navigation channel through the ocean entrance to the Columbia River. Both jetties have deteriorated over the years to the point that it is necessary to repair critically unstable areas of the trunk of both jetties to prevent further deterioration which could lead to catastrophic breaching. The North Jetty is located in Pacific County, Washington, and is about 2.5 miles long. The South Jetty is in Clatsop County, Oregon and is about 6.6 miles long. Both jetties have experienced considerable head loss.

Funding is currently available for repair of only the most severe areas of deterioration. The total amount of stone to be placed for repairs to the South Jetty in the immediate future is 40,000 tons. When funding becomes available the Corps proposes to rehabilitate approximately 8,000 feet of the South Jetty using up to 500,000 tons of stone.

The proposed jetty repair work for the South Jetty will be conducted by marine or land access activities, and likely a combination of the two. Rock may be delivered to the site by a tow-boat and barge, offloaded by a jetty-based or barge-based crane and transported directly to the project site or stockpiled for later use. This marine option will require the construction of a sheet pile cell structure to support the barge off-loading equipment and dredging of material from the river to provide adequate operating depths for the barges. Rock may also be delivered by truck through the county park and onto the jetty over a newly constructed jetty haul road.

NOAA's National Marine Fisheries Service (NOAA Fisheries) delivered a formal biological and conference opinion pursuant to section 7 of the Endangered Species Act (ESA) to the Corps on July 29th 2004. The opinion concluded that the proposed action is not likely to jeopardize the continued existence of thirteen species of listed salmonids, or likely to destroy or adversely modify designated critical habitat. As required by ESA, NOAA Fisheries

included reasonable and prudent measures with non-discretionary terms and conditions that are necessary to minimize the effects of incidental take associated with this action.

The South Jetty project site falls in a reach of the Columbia River classified as Water Quality Limited under Section 303(d) of the Federal Clean Water Act for the following parameters: Bacteria [Fecal Coliform (Fall/Winter/Spring)]; Dissolved Oxygen (Summer); Temperature (Summer); Total Dissolved Gas (Year Round); and Toxics [Arsenic (Year Round), Tissue-Pesticides, DDT, DDE, PCB].

The Lower Columbia River supports salmonid migration and rearing.

Based on information provided by the applicant, DEQ does not anticipate any violations of State Water Quality standards, including Oregon Administrative Rule (OAR) 340-041-004, Antidegradation Policy for Surface Waters, provided these conditions are adhered to.

1. **Aquatic life movements:** No activity may substantially disrupt the movement of those species of aquatic life indigenous to the water body, including those species that normally migrate through the area. Unobstructed fish passage must be provided at all times during any construction activity.

2. **Turbidity/Erosion Control:** The authorized work shall not cause turbidity in any waters in the action area to exceed 10% over natural background turbidity 100 feet downstream (tidally adjusted) of the turbidity causing activity. For projects proposed in areas with no discernible gradient break (gradient of 2% or less), monitoring shall take place at 4 hour intervals and the turbidity standard may be exceeded for a maximum of one monitoring interval per 24 hour work period provided all practicable control measures have been implemented. This turbidity standard exceedance interval applies only to coastal lowlands, floodplains, and valley bottoms.

   For projects in all other areas, the turbidity standard can be exceeded for a maximum of 2 hours (limited duration) provided all practicable erosion control measures have been implemented. Practicable erosion control measures which shall be implemented, as appropriate, include but are not limited to the following:

   a) Place fill in the water using methods that avoid disturbance to the maximum practicable extent (e.g. placing fill with a machine rather than end-dumping from a truck);
   b) Prevent all construction materials and debris from entering waterway;
   c) Use filter bags, sediment fences, sediment traps or catch basins, silt curtains, leave strips or berms, Jersey barriers, or other measures sufficient to prevent movement of soil;
   d) Use impervious materials to cover stockpiles when unattended or during rain event;
   e) Erosion control measures shall be inspected and maintained daily, to ensure their continued effectiveness;
   f) Use a gravel staging area and construction access;
   g) Fence off planted areas to protect from disturbance and/or erosion; and
   h) Flag or fence off wetlands adjacent to the construction area.

Turbidity shall be monitored during active construction periods. Monitoring points shall be an undisturbed site (representative background) 100 feet upstream from turbidity causing activity (i.e., dredge, fill, or discharge point), 100 feet downstream from that point, and at the point of disturbance. A turbidimeter is recommended, however, visual gauging is acceptable. Turbidity that is visible over background is considered an exceedance of the standard.

Turbidity shall be measured (or visually assessed) and recorded at the designated monitoring interval prescribed above during periods of active construction. The designated person attending the monitoring equipment shall be responsible for notifying the project foreman of any exceedance of the turbidity standard. If a 10% exceedance of the background level occurs at 100 feet below the project site, modify the activity causing the problem and continue to monitor at the proper interval. If exceedances occur with two consecutive measurements stop the activity causing the turbidity until the problem is resolved.

3. **Dredging-** All sediments removed from below Mean Higher High Water (MHHW) must be evaluated consistent with the Dredged Material Evaluation Framework (1998). Dredged sediments or aggregates left over from project construction must be disposed at an approved site.

4. **Deleterious waste materials:**

    a) Petroleum products, chemicals, fresh cement, riprap grout, or other deleterious waste materials shall not be allowed to enter or contact waters of the state;
    b) Use only clean fill free of waste and polluted substances to maintain water quality;
    c) BMP's shall be employed in order to prevent discharges of spills to surface or ground waters.

5. **Planting/re-vegetation:**

    a) Plant new native vegetation in areas that may be disturbed as a result of this project, in order to restore proper function and stability to the landscape and habitat;
    b) Plant disturbed areas with native vegetation;
    c) The standard for success is 80% cover for native plant species; and,
    d) Temporary fencing of planted areas may be required to insure success.

6. During construction activities, storm water runoff or wash water from disturbed soils, permanent or temporary impervious road surfaces, access lanes, and parking lots shall be first treated by a facility specifically designed to remove storm water contaminants before entering state waterways or wetlands, including mitigation wetlands, so as to minimize contaminants entering those water bodies.

7. Provide a buffer zone, where practicable (minimum width of 50 feet recommended) in order to protect existing riparian areas, and existing and mitigation wetlands.

8. Projects of 1 or more acres of land-based disturbance require an NPDES 1200-C Storm Water Discharge Permit. Contact the appropriate DEQ regional office for more information.

9. Fuel hoses, oil drums, oil or fuel transfer valves and fittings, etc., shall be checked regularly for drips or leaks, and shall be maintained in order to prevent spills into State waters.

10. In the event of a discharge of oil, fuel, or other chemicals into State waters, or onto land with a potential to enter State waters, containment and cleanup shall begin immediately and be completed as soon as possible. Spills into State waters, or onto land with a potential to enter State waters, shall be reported immediately by contacting the Oregon Emergency Response System (OERS) directly at 1-800-452-0311.

11. DEQ reserves the option to modify, amend or revoke this WQC, as necessary, in the event new information indicates that the project activities are having a significant adverse impact on State water quality or critical fish resources.

12. This certification is valid for five (5) years from the date of issuance.

13. A copy of this WQC letter shall be kept on the job site and readily available for reference by the Corps of Engineers, DEQ personnel, the contractor, and other appropriate state and local government inspectors.

14. This WQC is invalid if the project is operated in a manner not consistent with the project description contained in the Public Notice for certification.

15. DEQ requires reasonable site access.

If you are dissatisfied with the conditions contained in this certification, you may request a hearing before the Environmental Quality Commission. Such request must be made in writing to the Director of DEQ within 20 days of the mailing of this certification. You may also request written information about alternative dispute resolution services under Oregon Revised Statute 183.502, including mediation or any other collaborative problem-solving process.

The DEQ hereby certifies that this project complies with the Clean Water Act and state water quality standards, if the above conditions are strictly adhered to.

The applicant shall notify the DEQ of any change in the ownership, scope, or construction methods of the project subsequent to certification. If you have any questions, please contact Tom Melville at (503) 229-5845.

Sincerely,

Bob Baumgartner, Manager
Water Quality Division

T:TM.Certcook.Tillamookjetties.CENWP-PM-E-04-05

cc: Applicant(s)
Neil Mullane, DEQ
Dale Blanton, DLCD
Patty Snow, ODFW